

REMARKS/ARGUMENTS

Status of Claims

Claims 1-20 stand rejected.

Claims 2 and 5 are hereby canceled.

Claims 1, 3, and 6-20 are currently amended.

Claims 21 and 22 are new.

As such, claims 1, 3, 4, and 6-22 are currently pending in the application.

The Applicant hereby requests further examination and reconsideration of the presently claimed application.

Claim Objections

Claims 18 and 19 stand objected to because of informalities. Claims 18 and 19 have been amended to overcome the objections. No new matter is contained in these amendments.

Claim Rejections – 35 U.S.C. § 112

Claims 1, 2, 3, and 5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claims 2 and 5 have been canceled, and claim 3 has been amended to overcome the rejections. No new matter is contained in these amendments.

In addition, the Applicant has not amended claim 1 as suggested by the Examiner. Instead, the Applicant asserts that the term “data layers” in the claim is clear because it is clearly used throughout the specification. The Applicant would also like to remind the Examiner of MPEP § 2173.01, which states that the Applicant is its own lexicographer. As such, the Applicant respectfully requests that the Examiner withdraw the § 112, second paragraph rejection of claim 1.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6 and 8-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,880,086 (*Kidder*). Claims 2 and 5 have been canceled, and claims 3, 4, 6, and 8-20 depend from independent claim 1. Thus, claims 1, 3, 4, 6, and 8-20 stand or fall on the application of *Kidder* to independent claim 1. According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” The Applicant respectfully asserts that *Kidder* fails to teach each and every element of independent claim 1, and consequently fails to anticipate claims 1, 3, 4, 6, and 8-20.

Kidder fails to anticipate claims 1, 3, 4, 6, and 8-20 because *Kidder* fails to teach that if the configuration data of the network element (NE) is changed, the NE changes the minimum unit identifier word of the layer corresponding to the changed configuration data and the EMS obtains the changed minimum unit identifier word from the NE. Claim 1 reads:

1. A method for synchronizing configuration data between an Element Management System (EMS) and a Network Element (NE), wherein the configuration data of the NE is divided into a plurality of layers such that different layers comprise different configuration data sets of minimum units, and wherein a minimum unit identifier word is provided for each layer to identify any changes to the configuration data in the layer, the method comprising:

if the configuration data of the NE is changed, the NE changing the minimum unit identifier word of the layer corresponding to the changed configuration data;

the EMS obtaining the changed minimum unit identifier word from the NE; and

the EMS comparing the obtained minimum unit identifier word with a minimum unit identifier word stored in the EMS to determine which layer is associated with the changed configuration data; and

the EMS synchronizing the changed configuration data of corresponding NE with the EMS.

(Emphasis added). As shown above, claim 1 recites that if the configuration data of the NE is changed, the NE changes the minimum unit identifier word of the layer corresponding to the

changed configuration data and the EMS obtains the changed minimum unit identifier word from the NE. In contrast, *Kidder* disclosed that when the physical components have been added or removed, the network device will update the tables, and send all of the changed configuration data to NMS:

In one embodiment, data is stored within configuration database 42 as a series of containers. Since the configuration database is a relational database, data is stored in tables and containment is accomplished using pointers from lower level tables (children) to upper level tables (parents).

Even after initial power-up, master MCD 38 continues to take physical inventories of the network device to determine if physical components have been added or removed. For example, cards may be added to empty slots or removed from slots. When changes are detected, master MCD 38 updates the tables (e.g., card table 47' and port table 49') accordingly, and through the active query feature, the configuration database updates an external NMS database (e.g., 61, FIG. 59) and notifies the NMS server. In one embodiment, each time a physical component is changed, the NMS server sends the NMS client a full set of updated proxies to ensure that the NMS client is fully synchronized with the network device.

Kidder, col. 152, ll. 28-32; col. 153, ll. 47-59 (emphasis added). As shown above, *Kidder* discloses that if the physical components have been added or removed, the master MCD 38 will update the tables. Since the tables are used for storing the network device's configuration data, the MCD 38 will update all configuration data of the network device, and the network device will send all changed configuration data to NMS. Thus, *Kidder* discloses sending all of the changed data to the NMS, whereas claim 1 recites that the NE only sends the new minimum unit identifier word, which is a representation of the data changes, to the EMS. As such, *Kidder* fails to teach at least one element of independent claim 1, and consequently fails to anticipate claims 1, 3, 4, 6, and 8-20.

Claim Rejection – 35 U.S.C. § 103

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kidder* in view of U.S. Patent Application Publication 2003/0225884 (*Hayden*). Claim 7 depends from independent claim 1, which is allowable for the reasons given above. Thus, claim 7 is also allowable.

New Claims

New claims 21 and 22 recite novel and non-obvious aspects of the invention not disclosed by the cited prior art. Specifically, the cited prior art fails to disclose that at least one of the EMS obtaining the changed minimum unit identifier word from the NE, and the minimum unit identifier word does not comprise the changed configuration data of the NE. The cited prior art also fails to disclose that the minimum unit identifier word represents the changed configuration data but does not comprise the changed configuration data. Support for new claims 21 and 22 is found in paragraphs 31-58 of the specification. Thus, claims 21 and 22 do not contain any new matter.

CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by the Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated July 6, 2009 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

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